

CHAPTER 214
HOUSEHOLD HAZARDOUS MATERIALS PROGRAM

567—214.1(455F) Scope. This chapter is intended to implement Iowa Code sections 455F.8, 455F.8B and 455F.9. The following will be accomplished in this chapter:

1. Establish an education connection to the household hazardous materials programs;
2. Establish a household hazardous materials education grant;
3. Establish criteria for selection of toxic cleanup day event hosts;
4. Establish toxic cleanup day event requirements;
5. Establish criteria for selection of hazardous waste contractors; and
6. Establish disbursement system for regional collection center disposal funds.

567—214.2(455F) Goal. The goal of this program is to reduce the amount of household hazardous waste being generated, landfilled and disposed of improperly in Iowa. This will be achieved by educating the public through the retailer's consumer education program, household hazardous materials educational awareness programs, toxic cleanup days and regional collection centers. Through these programs the awareness of Iowans will be raised regarding household hazardous materials, resulting in the preservation of the state's groundwater resources while protecting our health and safety and the environment as a whole.

567—214.3(455F) Definitions. As used in this chapter:

"Applicant" means any unit of local government, public or private organizations, regional collection centers and businesses with an interest in or responsibility for the management of household hazardous materials.

"Cost share" means the percent of applicant funds contributed to the project for those expenses or services that are directly related to the project.

"Department" means the Iowa department of natural resources.

"Groundwater protection Act" means Iowa Code chapter 455E, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of solid wastes at landfills and encourages better management of Iowa's groundwater resources.

"HHM" means *"Household hazardous materials"* as defined in Iowa Code subsection 455F.1.

"Household hazardous waste" means the unused or leftover portions of household hazardous materials.

"RCC" means *"Regional collection center"* as defined in 567 IAC 211.3(455F).

"Retailer" means a person offering for sale or selling a household hazardous material to the ultimate consumer within this state.

"Retailer's consumer education program" means the program implemented in 567 IAC 144.

"Sanitary landfill" means a sanitary disposal project where solid waste is buried between layers of earth.

"Source reduction" means *"waste reduction"* as defined in 567 IAC 209.

"Toxic cleanup days (TCD)" means free one-day collection events for the safe management of household hazardous waste from urban and rural households and an opportunity to educate the public about household hazardous materials.

"Waste management assistance division" means the waste management assistance division of the department of natural resources established by Iowa Code section 455B.483.

567—214.4(455F) Role of the department of natural resources. The department is responsible for the administration of the funds for the HHM program under these rules. The department will ensure that funds disbursed will meet guidelines established by the groundwater protection Act.

Any proposals described by this chapter may be submitted by an applicant for grant consideration. The waste management assistance division shall have sole responsibility for determining which proposals will receive funding.

567—214.5(455F) Funding sources. The department will use funds authorized by Iowa Code section 455F.7 and Iowa Code Supplement sections 455E.11(2)“c” and 455E.11(2)“a”(2)(e) and (f), for the purpose of achieving the goals outlined in these rules. The department will ensure that use of these funds meets federal and state guidelines.

567—214.6(455F) Household hazardous materials education. Education of the public shall be the foundation of the HHM program. HHM education involves the concept of source reduction.

214.6(1) Source reduction. Source reduction as applied to HHM consists of the following points:

1. Purchase a safer alternative when possible;
2. Purchase only the quantity of product needed;
3. Use up the product, according to manufacturer’s instructions;
4. If the product cannot be used up by the consumer who purchased it, the product should be given to someone who can use it;
5. Some products that cannot be used up may be safely managed at home;
6. If a product cannot be used up, given away or safely managed at home, the product should be saved for proper disposal at a TCD or an RCC.

214.6(2) Educational programs. The above concepts shall be communicated through every aspect of the HHM program. The HHM program includes the following subprograms:

1. The retailer’s consumer education program which provides information to consumers while shopping in retail establishments. See 567 IAC 144 (implemented by retailers).
2. Public education through distribution of HHM educational materials, presentations and communications media (as implemented by the applicant and the department).
3. The TCD program which educates Iowa residents and provides a means of proper disposal of household hazardous wastes (implemented by the applicant).
4. The RCC grant program which educates Iowa residents and provides ongoing collection of hazardous waste from household and conditionally exempt small quantity generators. See 567 IAC 211 (implemented by the applicant).

All applicants will be required to meet these objectives. These subprograms are designed to implement education regarding HHMs.

567—214.7(455F) HHM education grants. The department will solicit requests for proposals (RFPs) from applicants twice a year, in conjunction with the Toxic Cleanup Day RFP, for education projects.

214.7(1) Eligible education programs. Eligible education projects include, but are not limited to:

- a. *Retailer’s consumer education program.*
 1. Inform retailers of requirements of the HHM retailer’s consumer education program;
 2. Assist retailers in obtaining the household hazardous materials permit; and
 3. Assist retailers with the posting of educational materials.

b. Household hazardous materials educational awareness program.

1. Identify HHM products;
2. Promote awareness of safer alternatives;
3. Promote the awareness of proper management and proper disposal options;
4. Promote awareness of TCD events and RCCs.

214.7(2) Department selection. The criteria and instructions for submitting a proposal are included in the TCD request for proposal (RFP) package. The department will review all proposals returned by the deadline and select HHM education grantees based on the information requested in the RFP package. Upon selection, the department will provide financial and technical assistance. Instructions for submitting proposals and the process by which proposal selections are determined will be detailed in the RFP available from the waste management assistance division.

567—214.8(455F) Selection of TCD event host. The department will solicit requests for proposals twice a year from applicants to sponsor TCD events. The following is a list of general requirements for hosting a TCD. The proposals will be evaluated on how well the applicant meets these general criteria:

1. Establishment of a local task force;
2. Publicity;
3. Education;
4. Retailer consumer education program;
5. Local oil and battery collection sources;
6. Telephone appointment assistance;
7. Usable paint exchange;
8. Volunteer network;
9. Permanent program;
10. Selection of site, including:
 - Accessibility
 - Storage capabilities
 - Availability;
11. Pledges of support by local law enforcement and fire protection;
12. Local cost share.

The detailed criteria for the proposal are included in the TCD request for proposal package. Applications will be due the first Friday in January and the first Friday in July of each year at 5 p.m., unless otherwise designated by the waste management assistance division. All proposals shall be completed as specified in the Toxic Cleanup Day RFP. Instruction for submitting proposals and the process by which the selection is determined are detailed in the TCD request for proposal package. Upon selection of the TCD host, the department will provide the selected applicants with services of a hazardous waste contractor and financial assistance for disposal cost. The department will also provide technical assistance through a workshop and guidance in the areas of education, publicity, telephone assistance, site selection, and setting up the toxic cleanup day. Copies of the TCD request for proposals are available from the waste management assistance division.

567—214.9(455F) TCD events. The TCD events will provide for proper disposal of household hazardous waste from urban and rural households. All hazardous wastes accepted at the event shall be removed from the site within 24 hours after the end of the collection event, unless otherwise authorized by the department or applicant representative. Brochures and videos on how to establish and set up a TCD are available at the waste management assistance division.

214.9(1) *Minimum applicant cost share.* A minimum cost share shall be required of each event host. The cost share will be:

1. 50-cent minimum per household for first or second time event host;
2. 75-cent minimum per household for third time or more event host if the event host is not serviced by a regional collection center; and
3. 50-cent minimum cost share per household for regional collection centers or event host serviced by an RCC.

The applicant shall incur all in-kind cost. In-kind cost will include, but is not limited to, the following:

1. Promotional materials, including brochures, posters, newspaper ads, public service announcements, telephone service;
2. Educational materials, including books.

The department may grant a partial or complete variance from the cost-share requirement of these rules. Applicants must submit as part of the TCD application, a request for a variance from the cost-share requirement. The department may grant a variance from the cost-share requirements of these rules if the applicant county's median income is below the state median income.

The department shall review the variance request and notify the applicant within 30 days of receipt that the application is approved, denied or requires modification.

214.9(2) Reserved.

567—214.10(455F) Selection of hazardous waste contractor. The department will solicit requests for proposals at a minimum of once every two years from a current listing of hazardous waste companies in the United States. General criteria used to select the hazardous waste contractor include the following:

1. General operating procedures.
2. Safety/contingency plan.
3. Experience and personnel.
4. Waste disposal hierarchy.
5. Nonhazardous and nonlicensed waste.
6. Pricing/hypothetical event.

The detailed evaluation criteria and the instructions for submitting a proposal are included in the contractor request for proposal package. The department will review the proposals returned by the deadline specified in the request for proposal and select a contractor based on the evaluation criteria presented. The department will have sole responsibility in the selection of a contractor. Copies of the contractor request for proposal are available from the waste management assistance division.

567—214.11(455F) Regional collection center household hazardous material disposal funding. All RCCs are eligible to receive funding from the department to offset the cost associated with proper disposal of household hazardous waste by a hazardous waste contractor. The source for this funding is described in Iowa Code section 455E.11(2) "a"(2)(e).

RCCs will receive a percentage of the total funds accumulated in this account in an amount equal to the percentage each RCC collected compared to the total amount collected by all RCCs in each fiscal year based on the weight of materials collected from urban and rural households and conditionally exempt small quantity generators. To be eligible to receive disposal funding assistance, an RCC must report the following information to the department by September 1 of each year for the fiscal year ending the previous June 30, using a form supplied by the department:

1. Number of households bringing waste to the facility.
2. Poundage of household hazardous waste received.
3. Categories of household hazardous waste received.
4. Number of conditionally exempt small quantity generators bringing waste to the facility.
5. Poundage of hazardous waste received from conditionally exempt small quantity generators.
6. Categories of hazardous waste received from conditionally exempt small quantity generators.

A fiscal year will be from July 1 of the previous year to June 30 of the current year. Water-based paint, waste oil and lead acid battery weights are not considered eligible poundages.

These rules are intended to implement Iowa Code sections 455F.8, 455F.8B and 455F.9.

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